

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC., §

§  
*Plaintiff,* §

v. §

Case No. 2:22-cv-00203-JRG-RSP

MICRON TECHNOLOGY, INC. *et al.*, §

§  
*Defendants.* §

**ORDER**

Netlist previously filed a Motion for Summary Judgment of No Anticipation as to the '060 and '160 Patents and That 2012 Design Review is Not Prior Art (Dkt. No. 272), a Motion for Partial Summary Judgment Finding Alleged Prior Art Not Publicly Accessible (Dkt. No. 278), and a Motion for Summary Judgment on Micron's Equitable Defenses (Dkt. No. 274). Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 456), recommending the grant in part of Netlist's Motion for Summary Judgment of No Anticipation as to the '060 and '160 Patents and That 2012 Design Review is Not Prior Art, the grant in part of Netlist's Motion for Partial Summary Judgment Finding Alleged Prior Art Not Publicly Accessible, and the denial of Netlist's Motion for Summary Judgment on Micron's Equitable Defenses. Netlist has now filed Objections (Dkt. No. 481), and Micron has filed objections (Dkt. No. 482.)

After conducting a *de novo* review of the briefing on the motions, the Report and Recommendation, and the briefing on both Netlist's and Micron's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Netlist's Objections, **OVERRULES** Micron's

Objections, and ADOPTS the Report and Recommendation and orders that the Motion for Summary Judgment of No Anticipation as to the '060 and '160 Patents and That 2012 Design Review is Not Prior Art (Dkt. No. 272) is **GRANTED IN PART**, the Motion for Partial Summary Judgment Finding Alleged Prior Art Not Publicly Accessible (Dkt. No. 278) is **GRANTED IN PART**, and the Motion for Summary Judgment on Micron's Equitable Defenses (Dkt. No. 274) is **DENIED**.

**So Ordered this**

**Feb 19, 2024**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE